

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

NETLIST, INC.

Plaintiff,

vs.

SK HYNIX INC. and  
SK HYNIX AMERICA INC.

Defendants.

Civil Action No. 6:20-cv-00194-ADA

Civil Action No. 6:20-cv-00525-ADA

**JURY TRIAL DEMANDED**

**JOINT CLAIM CONSTRUCTION STATEMENT**

Plaintiff Netlist, Inc. and Defendants SK hynix Inc. and SK hynix America Inc. (collectively “Defendants”) submit this Joint Claim Construction Statement for the asserted claims of United States Patent Nos. 9,858,218 (“the ‘218 Patent”); 10,474,595 (“the ‘595 Patent”) for the ‘194 case; and 10,217,523 (“the ‘523 Patent”) for the ‘525 case (together, the “Asserted Patents”).

There are no claim terms on which the parties agree as to construction. The following charts shows the list of disputed terms, the patent claim(s) in which the term appears, and each party’s proposed construction for the term.

For the ‘218 and ‘595 Patents, Netlist proposed the following terms for construction: “mode” and “one or more training sequences.” SK hynix proposed the following terms for construction: “first mode,” “second mode,” “one or more training sequences,” “notification signal associated with the [one or more training sequences],” “information related to the [one or more training sequences],” and “open-drain signals related to the [one or more training sequences].”

U.S. Patent Nos. 9,858,218 and 10,474,595		
Claim Term	Plaintiff	Defendants
<b>“mode” / “first mode” / “second mode”</b> '218 Patent cls. 1 and 7 '595 Patent cls. 1, 8, 15, and 16	Distinct behavioral state that a system may be switched to Neither “first” nor “second” require construction	Plain and ordinary meaning in the context of the claims and specification:  For the '218 Patent:  “first mode” means “initialization mode”  “second mode” means “operational mode”  For the '595 Patent:  “first mode” means “operational mode”  “second mode” means “initialization mode”
<b>“one or more training sequences”</b> '218 Patent cls. 1, 7, 8, 15, and 22 '595 Patent cls. 1, 6, 7, 9, 10, 12, 13, and 14	One or more operations related to synchronization of a receiver circuit to an incoming signal	“training sequence” means “operations, steps or tasks completed by the memory module in a particular order to train itself as part of its initialization” No construction necessary for the rest of the term/phrase.
<b>“notification signal associated with the [one or more training sequences]”</b> '218 Patent cls. 1 and 15	“Notification signal” should receive its plain and ordinary meaning, which does not encompass polling. “One or more training sequences” means “one or more operations related to synchronization of a receiver circuit to an incoming signal.” The remainder of the term does not require construction and should	“an unscheduled signal provided without polling that indicates the status of the [one or more training sequences]” The “one or more training sequences” language is addressed above.

U.S. Patent Nos. 9,858,218 and 10,474,595		
Claim Term	Plaintiff	Defendants
	receive its plain and ordinary meaning.	
<b>“information related to the [one or more training sequences]”</b> '595 Patent cls. 1 and 7	<p>“One or more training sequences” means “one or more operations related to synchronization of a receiver circuit to an incoming signal.”</p> <p>The remainder of the term does not require construction and should receive its plain and ordinary meaning.</p>	<p>“information provided without polling at an unscheduled time that indicates the status of the [one or more training sequences]”</p> <p>The “one or more training sequences” language is addressed above.</p>
<b>“open-drain signals related to the [one or more training sequences]”</b> '595 Patent cls. 10, 12, and 14	<p>“One or more training sequences” means “one or more operations related to synchronization of a receiver circuit to an incoming signal”</p> <p>The remainder of the term does not require construction and should receive its plain and ordinary meaning.</p>	<p>“an unscheduled signal provided without polling from an open-drain output that indicates the status of the [one or more training sequences]”</p> <p>The “one or more training sequences” language is addressed above.</p>

For the '523 Patent, Netlist proposed that no asserted claim terms require construction.

SK hynix proposed the following terms for construction: “first mode,” “second mode,” “data handler logic element[s],” “data handler,” and “data module.”

U.S. Patent No. 10,217,523		
Claim Term	Plaintiff	Defendants
<b>“first mode”</b> '523 Patent cls. 1, 2, 19, and 20	<p>The term “first” does not require construction.</p> <p>The term “mode” means “a distinct behavioral state that a system may be switched to.”</p>	<p>Plain and ordinary meaning in the context of the claims and specification:</p> <p>“normal mode”</p>
<b>“second mode”</b>	<p>The term “second” does not require construction.</p>	<p>Plain and ordinary meaning in the context of the claims and specification:</p>

U.S. Patent No. 10,217,523		
Claim Term	Plaintiff	Defendants
'523 Patent cls. 1, 4, 11, 19, 20, 24, 30, and 32	The term “mode” means “a distinct behavioral state that a system may be switched to.”	“self-test mode”
“ <b>data handler logic element[s]</b> ” '523 Patent cls. 1, 2, 5, 10, 14, 17, 19, and 23	The term “data handler logic element[s]” does not require construction and should receive its plain and ordinary meaning as understood by a person of ordinary skill in the art at the time of the invention.	“logic element(s) that generate and manage data, where generate means to produce (i.e., bring into existence, including by transformation or modification of information and/or data received from another component), which does not include packing and unpacking data from a packet, and manage means to process, transfer and/or control the movement of”
“ <b>data handler</b> ” '523 Patent cls. 1, 2, 4, 5, 8, 9, 10, 11, 14, 17, 19, 20, 23, 24, 26, 28, 29, 30, 31, 32, and 34	The term “data handler” does not require construction and should receive its plain and ordinary meaning as understood by a person of ordinary skill in the art at the time of the invention.	“circuitry that generates and manages data, where generate and manage have the meanings set forth above”
“ <b>data module</b> ” '523 Patent cls. 2, 6, 7, 15 and 18	The term “data module” does not require construction and should receive its plain and ordinary meaning as understood by a person of ordinary skill in the art at the time of the invention.	“module including at least one [data handler]”

Dated: February 24, 2021

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on February 24, 2021 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Andrew H. DeVoogd  
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